

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

JONTAE KEEL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CIVIL ACTION NO.: 4:23-cv-59

(Formerly 4:20-cr-124-4)

ORDER

After a careful de novo review of the entire record, the Court concurs with the Magistrate Judge's September 11, 2023, Report and Recommendation, (doc. 2), to which Petitioner has objected, (doc. 3). The Court **ADOPTS** the Report and Recommendation as its opinion. (Doc. 2.) Keel's Objection asserts that the Magistrate Judge's consideration of whether several grounds in his 28 U.S.C. § 2255 Motion were procedurally defaulted violated his First Amendment right to petition the Government for redress of grievances. (See generally doc. 3.) While Keel's argument is, charitably, creative, "[c]ourts across the nation follow the precept that § 2255 claims can be dismissed on the Rule 4(b) review for procedural default." United States v. Rudolph, 570 F. Supp. 3d 1277, 1285 (N.D. Ga. 2021). Keel does not object at all to the Magistrate Judge's determination that his challenge to the constitutionality of federal prohibitions on the possession and distribution of marijuana is meritless. (See doc. 2, pp. 6-10.) Accordingly, the Court concurs with the Magistrate Judge's conclusion that "[a]ll of the grounds asserted in Keel's § 2255

Motion fail; Ground One is meritless and Grounds Two through Four are procedurally defaulted.” (Id., p. 10.) Accordingly, Keel’s § 2255 Motion is **DENIED**. (Doc. 1.)

There are no discernable issues worthy of a certificate of appeal. Therefore, the Court **DENIES** the issuance of a Certificate of Appealability. Petitioner is advised that he “may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22.” Rule 11(a), Rules Governing Section 2255 Cases in the United States District Courts. Furthermore, as there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith. Thus, the Court likewise **DENIES** Petitioner *in forma pauperis* status on appeal. The Court **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal.

SO ORDERED, this 11th day of October, 2023.



R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA